

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD**

July 14, 2004

**Ida L. Castro, Chairwoman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert J. Long**

DATE: June 3, 2004

TO: Ida L. Castro, Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

LAW AND PUBLIC SAFETY

The Department of Law and Public Safety requests the establishment of an intermittent title for use by the New Jersey State Police.

This title is requested for staff serving on the State of New Jersey's Urban Search and Rescue Team. The team is comprised of various police, fire and emergency medical personnel, who respond to critical incidents such as building collapses, flood rescue and other natural disasters. These functions are currently classified by Temporary Employment Service (TES) titles, which are restricted to a specific number of working hours per fiscal year. However, the demands, working hours and schedules of these seasonal functions are such that the TES designation is no longer appropriate. Staff will exceed this limit before the end of the fiscal year, yet their services are still required.

Intermittent titles are assigned to the non-competitive division of the career service in accordance with Department regulations.

ADDITION OF INTERMITTENT TITLE

Effective: 01/24/04

Intermittent Emergency Response Specialist
X98-_____ Non-Competitive * NL/12

WITHDRAWAL OF APPEALS

RECOMMENDATION: The following appeals be removed from the hearing calendar and considered closed.

The following appellants, who have been granted a hearing, wish to withdraw their appeals:

Diane Dent, Principal Clerk Bookkeeper, Greystone Park Psychiatric Hospital, Department of Human Services, removal.

Alpheus Okezie, County Correction Officer, County Jail, County of Burlington, two suspensions.

James Pitman, Senior Correction Officer, Bayside State Prison, Department of Corrections, suspension.

Robert Rehor, Welfare Interviewer, Economic Opportunity, City of Jersey City, good faith layoff.

Lorraine Reppart, Senior Operator Automated Typewriter, College of New Jersey, removal.

DISMISSAL OF APPEALS – FAILURE TO APPEAR

RECOMMENDATION: The following cases be dismissed without prejudice.

The following appellants failed to appear at the scheduled hearing before the Office of Administrative Law and have not submitted an explanation for their failure to appear:

Brian Bowman, Custodial Worker, Jersey City School District, removal.

Preston Kell, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, release at the end of the working test period.

Christine Knox, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, removal.

Nashere Perry, Human Services Assistant, New Lisbon Developmental Center, Department of Human Services, release at the end of the working test period.

Iris Phillips, Senior Mail Clerk, William Paterson University, suspension.

Kimberly Robbins, Building Service Worker, County Manor, County of Cumberland, removal.

Ida Ware, Hospital Attendant, Department of Human Services, County of Mercer, suspension.

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Ellis Carter
New Jersey State Prison
Suspension

In the Matter of John Countryman
Department of Treasury
Removal

In the Matter of Tiron Dash
Department of Treasury
Release at the end of the working test period

In the Matter of Mark Dickson
County of Cumberland
Release at the end of the working test period

In the Matter of Mark Didonato
Garden State Reception and Youth Correctional Facility
Suspension

In the Matter of Joyce Faulks
Woodbridge Developmental Center
Department of Human Services
Suspension

In the Matter of Glendolyn Gibson
County of Mercer
Department of Public Safety
Suspensions

In the Matter of Robert Henry
County of Gloucester
Good faith layoff

In the Matter of John Lavook
City of Newark
Police Department
Removal

In the Matter of James A. MacKeown, Jr.
Bayside State Prison
Department of Correction
Suspension

In the Matter of Ritha Mooreoffer
Division of Youth and Family Services
Department of Human Services
Removal

In the Matter of Debra Richetelli-Dargan
Division of Taxation
Removal

In the Matter of Nicholas E. Yuhas
City of Vineland
Department of Public Safety
Suspension

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A-2 JOSHUA FAMAKINWA

Joshua Famakinwa, Human Services Assistant, Hagedorn Gero-Psychiatric Hospital, Department of Human Services, removal effective December 12, 2000, on the charge of physical or mental abuse of a patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-3 NOEMIO OLIVEIRA

Noemio Oliveira, Police Officer, City of Newark, Police Department, two removals effective March 18, 2002, on charges of violation of Police Department rules regarding disobedience of orders.

Recommendation of the Administrative Law Judge – Uphold the removals.

ACTION:

A-4 ALONZO J. RICE

Alonzo J. Rice, Custodial Worker, Newark School District, resignation not in good standing effective November 13, 2000 and removal effective January 30, 2001, on charges of job abandonment and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.
It is noted that the Administrative Law Judge modified the effective date to September 7, 2000.

ACTION:

A-5 EUGENE VERDELL, JR.

Eugene Verdell, Jr., Residential Living Specialist, Department of Military and Veterans Affairs, removal effective April 18, 2002, on charges of inability to perform duties and violation of Department rules regarding performance.

This matter was previously presented to the Merit System Board at its regular meeting of June 23, 2004.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-6 MICHAEL WILSON

Michael Wilson, Correction Sergeant, Northern State Prison, Department of Corrections, removal effective April 29, 2003, on the charge of actual or attempted theft of state property or equipment or the property of other employees, residents, clients or inmates.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-7 WILLIAM WILMOUTH

William Wilmouth, Forest Fire Observer, Department of Environmental Protection, removal effective February 4, 2003, on charges of, *inter alia*, conduct unbecoming a public employee, violation of Department rules regarding work place violence policies and procedures, continual use of obscene language or gestures, actual or attempted and physical abuse.

This matter was previously presented to the Merit System Board at its regular meeting of June 9, 2004.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 KELVIN C. BROOKS

Kelvin C. Brooks, represented by Christopher Morik, Esq., appeals his rejection as a Police Officer candidate by the County of Union and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 NATHAN B. LEARY

Nathan B. Leary appeals his rejection as a County Correction Officer candidate by the County of Essex and its request to remove his name from the eligible list for County Correction Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 MARK J. SCIARRA

Mark J. Sciarra, represented by Rocco F. Errico, Esq., appeals his rejection as a Police Officer candidate by the City of Hoboken and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 ILIANA BENITEZ

Iliana Benitez, a Clerk with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 DHARMESH CHADHA

Dharmesh Chadha, a Head Procurement Clerk at Ann Klein Forensic Center, Department of Human Services, appeal the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 ILDEFONSO Y. SANCHEZ

Idefonso Y. Sanchez, an Investigator 2, Taxation, with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 ANGEL SANTIAGO

Angel Santiago, a Communications Operator, Secured Facilities, at Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 THERESA TEODORI

Theresa Teodori, Charge Nurse at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 EDWARD CLARKE

Edward Clarke appeals the removal of his name from the special reemployment list for Sewage Plant Attendant, Bergen County Utilities Authority.

ACTION:

B-10 COMPUTER OPERATOR (M6142D), PASSAIC VALLEY WATER COMMISSION

The appointing authority's failure to properly dispose of the certification for Computer Operator, while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-11 OMNIBUS OPERATOR (M9161E), CITY OF TRENTON

The appointing authority's failure to properly dispose of the certification for Omnibus Operator, while two provisional appointees are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-12 PETRA M. JAMES

Petra M. James, a Senior Parole Officer with the State Parole Board, represented by David J. Heintjes, Esq., requests a hearing on her 12-day suspension, 30-day suspension, and two removals effective June 4, 2002 and June 14, 2002.

ACTION:

B-13 DONALD HICKS

The City of Newark (City), represented by David N. Gambert, Assistant Corporation Counsel, petitions the Merit System Board for a stay of its decision in *In the Matter of Donald Hicks* (MSB, decided February 11, 2004), which awarded Hicks \$170,160.14 in gross back pay, pending the outcome of the City's appeal to the Superior Court, Appellate Division.

ACTION:

B-14 DAVID MARTINEZ

The City of Jersey City, represented by Anthony DeSalvo, Assistant Corporation Counsel, petitions the Merit System Board for a stay of that part of its decision in *In the Matter of David Martinez* (MSB, decided March 10, 2004) which reinstated David Martinez to his position as a Police Officer, pending the outcome of its appeal to the Superior Court, Appellate Division.

ACTION:

B-15 PAMELA SITEK

Pamela Sitek, a Practical Nurse at Runnells Hospital, Union County, represented by Benjamin Benson, Esq., petitions the Merit System Board for interim relief of her immediate suspension, effective May 11, 2004.

ACTION:

B-16 ROBERT STEFANSKI

Robert Stefanski, represented by Sidney H. Lehmann, Esq., requests reconsideration of the final administrative determination in *In the Matter of Robert Stefanski, Police Lieutenant (PM2612B), Middletown Township* (MSB decided April 10, 2002).

ACTION:

B-17 MICHAEL ACOSTA

The appeal of the Town of West New York of the decision of Selection Services which found that the Town improperly bypassed Michael Acosta on the Police Officer (S9999A), West New York, eligible list, was heard by Administrative Law Judge Edith Klinger (ALJ), who rendered her initial decision on April 30, 2004. At its meeting on June 9, 2004, the Merit System Board (Board), adopted the ALJ's recommendation that Acosta be appointed as a Police Officer. The proposed final decision is now submitted for the Board's review.

ACTION:

B-18 JOSEPH LANIER

The appeal of Joseph Lanier, a Police Officer with the City of Jersey City, of his suspension and removal on charges, was before Administrative Law Judge Carol I Cohen (ALJ), who rendered her initial decision on May 26, 2004. At its meeting on June 23, 2004, the Merit System Board (Board) adopted the ALJ's recommendation to uphold the appellant's removal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-19 IVORY WARD

The appeal of Ivory Ward, a Senior Youth Worker with the Department of Military and Veterans Affairs, concerning his removal effective February 9, 2001, on charges, was heard by Administrative Law Judge John Schuster, III (ALJ), who rendered his initial decision on May 17, 2004. At its meeting on June 23, 2004, the Merit System Board (Board) adopted the ALJ's recommendation to modify the removal to a six-month suspension. The proposed decision is now submitted for the Board's review.

ACTION:

B-20 ROLAND K. BAILEY AND NANCY R. WILSON

Roland K. Bailey and Nancy R. Wilson appeal the decisions of the Division of Selection Services, which found that they did not meet the experience requirements for Cafeteria Manager (PM0122E), Jersey City School District.

ACTION:

B-21 SUEANNE BELLEMARE

Sueanne Bellemare appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Mechanic Non-Automotive (PS9757K), Woodbine Developmental Center.

ACTION:

B-22 HERMAN BIUNNO

Herman Biunno appeals the determination of the Division of Selection Services that he did not meet the requirements for the open-competitive examination for Training Officer Law Enforcement (C6983E), County of Essex.

ACTION:

B-23 FLOYD BORDEN

Floyd Borden appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 (Data Processing) (PS7072H), Department of Health and Senior Services.

ACTION:

B-24 JOSEPH BOYADJIAN

Joseph Boyadjian appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the promotional examination for Senior Storekeeper (PC1232E), Bergen County Utilities Authority.

ACTION:

B-25 CLAUDIA CAMPIONE

Claudia Campione appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Senior Clerk Transcriber (P8652K), Vineland Developmental Center.

ACTION:

B-26 JOSEPH COOK AND CELESTINE THOMPSON

Joseph Cook and Celestine Thompson appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Executive Assistant (PM0273E), City of Atlantic City.

B-27 MICHELE DAVIS

Michele Davis appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Assistant Housing Manager (M0430E), City of Atlantic City.

ACTION:

B-28 JOYCE DEBELLIS AND NORA MIKULSKI

Joyce DeBellis and Nora Mikulski appeal the determination of the Division of Selection Services that they did not meet the requirements for the promotional examination for Deputy Director of Welfare (Pc0785E), Bergen County Board of Social Services.

ACTION:

B-29 JOSEPH DILLON

Joseph Dillon appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Supervisor Parks (PM1260E), Borough of Bergenfield.

ACTION:

B-30 ROBERT FLORA

Robert Flora appeals the determination of the Division of Selection Services, which found that he was ineligible for the promotional examination for Deputy Fire Chief (PM3577C), Jersey City.

ACTION:

B-31 DENISE K. FLUCK

Denise K. Fluck appeals the decision of the Division of Selection Services, which found that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Personnel Assistant (PM0516E), Marlboro Township.

ACTION:

B-32 NURYS M. GARCIA

Nurys M. Garcia appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Management Specialist (PM0873D), Newark School District.

ACTION:

B-33 RONALD GIBSON

Ronald Gibson appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Quality Assurance Technician (PS8182K), Ancora Psychiatric Hospital.

ACTION:

B-34 GREGG GILDEN

Gregg Gilden appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Management Assistant (PS7857K), Division of Family Development, Department of Human Services.

ACTION:

B-35 RICHARD HANCOCK

Richard Hancock appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Network Administrator 1 (PS6809I), Department of Corrections.

ACTION:

B-36 SUSAN HENDRIX

Susan Hendrix appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Environmental Health Specialist (C6028E), Ocean County.

ACTION:

B-37 ANDREW HILVERT AND COLLIN MCCLORRY

Andrew Hilvert and Collin McClorry appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in experience for the promotional examination for Truck Driver (PM1271E), Sea Isle City.

ACTION:

B-38 RAE HODGE

The appointing authority, on behalf of Rae Hodge, appeals the determination of the Division of Selection Services that she did not meet the education and experience requirements for the promotional examination for Coordinator of Records, Rules Promulgation (OAL) (PS0210Y), Office of Administrative Law.

ACTION:

B-39 SONYA L. JACKSON AND DOMINICK C. MANZO

Sonya L. Jackson and Dominick C. Manzo appeal the decision of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Field Service Supervisor 1, Family Development (PS7855K), Department of Human Services.

ACTION:

B-40 ROCIO JACOME

Rocio Jacome appeals the determination of the Division of Selection Services which found that per the substitution clause for education, she did not meet the experience requirement for the open competitive examination for Family Service Worker (Bilingual in Spanish and English) (C0289D), Essex County.

ACTION:

B-41 DIANE JAGT, ET AL.

Diane Jagt, Georgeann Russo and Carla J. Weiland appeal the determinations of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Secretarial Assistant 3 (Non-Stenographic), (PS8552J), William Paterson University.

ACTION:

B-42 CHRISTOPHER LANGER, ET AL.

Christopher Langer, Heriberto Afanador and Yvonne Stratton appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Social Worker 2 (S0172E).

ACTION:

B-43 HERBERT I. LEWIS AND WILLIAM E. NELSON

Herbert I. Lewis and William E. Nelson appeal the determination of the Division of Selection Services, which found that they did not meet the experience requirements for the promotional examination for Assistant Chief, Bureau of State Use (PS8535I), Department of Corrections.

ACTION:

B-44 NICOLE LIOTTI AND PATRICIA SHAGAT

Nicole Liotti and Patricia Shagat appeal the determination of the Division of Selection Services, which found that they were below the minimum requirements in experience for the open competitive examination for Program Specialist, Special Child Health Services (C6139E), Ocean County.

ACTION:

B-45 YAKOV LITOVSKY

Yakov Litovsky appeals the determinations of the Division of Selection Services, which found that he was below the minimum requirements in education for the open competitive examinations for Test Development Specialist Trainee (S6717E), Department of Personnel and Employment Counselor Trainee (S0225E), Department of Labor.

ACTION:

B-46 LYNN LOFTON

Lynn Lofton, represented by Sarah A. Evans, Staff Representative, CWA Local 1040, appeals the determination of the Division of Selection Services that she did not meet the requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6929K), Department of Human Services.

ACTION:

B-47 SHARON MILLER

The former Executive Director, Atlantic City Housing Authority, on behalf of Sharon Miller, appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Program Analyst (PM0375B), Atlantic City Housing Authority.

ACTION:

B-48 LISA MURPHY

Lisa Murphy appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Investigator 3, Taxation (PS8008U), Department of the Treasury.

ACTION:

B-49 ERIN O'BRIEN

Erin O'Brien appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the open competitive examination for Community Service Officer 3 (S6686E), Department of Community Affairs.

ACTION:

B-50 NICHOLAS OROFINO AND INDIA CALLOWAY

Nicholas Orofino and India Calloway appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Management Specialist (M6197E), Newark School District.

ACTION:

B-51 KAVITA H. PANJABI AND MATTHEW PERNA

Kavita H. Panjabi and Matthew Perna appeal the determination of the Division of Selection Services, which found that they did not meet the requirements for the promotional examination for Management Improvement Specialist 1 (PPS7305P), Department of Law and Public Safety.

ACTION:

B-52 DEBBIE PAVLOVSKY

Debbie Pavlovsky appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in education and experience for the open competitive examination for Administrative Analyst 1 (S3014E).

ACTION:

B-53 KUL PHOGAT

Kul Phogat appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Assistant Supervisor of Professional Residential Services, Developmental Disabilities (PS6929K), Department of Human Services.

ACTION:

B-54 SUSAN PINGITOR

Susan Pingitor appeals the determination of the Division of Selection Services, which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Assistant 2 (PS7910P), Division of State Police.

ACTION:

B-55 TILLIE M. PURNELL

Tillie M. Purnell appeals the decision of the Division of Selection Services, which found that she did not meet the education requirements for the open competitive examination for Community Service Worker (C0116D), Essex County.

ACTION:

B-56 STACEY SADLER

Stacey Sadler appeals the determination of the Division of Selection Services, which found that she was below the minimum requirements in experience for the promotional examination for Senior Clerk Transcriber (PS8205K), Ancora Psychiatric Hospital.

ACTION:

B-57 SAAD SHAFIK

Saad Shafik appeals the determination of the Division of Selection Services that he failed to meet the license requirement for the open competitive examination for Clinical Laboratory Technician (S9209E), Statewide.

ACTION:

B-58 BEENA SHAH

Beena Shah appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Accountant (PC1450E), Morris County.

ACTION:

B-59 PHILIP SHELDON

Philip Sheldon appeals the determination of the Division of Selection Services, which found that he was below the minimum requirements in experience for the promotional examination for Truck Driver (PM1208D), Borough of Bergenfield.

ACTION:

B-60 GWENDOLYN SIMPSON

Gwendolyn Simpson appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Senior Clerk Bookkeeper (S0234E).

ACTION:

B-61 CRAIG SNEDDON

Craig Sneddon appeals the determination of the Division of Selection Services, which found that he did not meet the experience requirement for the open competitive examination for Project Coordinator, Construction (C6727D), Ocean County.

ACTION:

B-62 YVONNE THOMAS

Yvonne Thomas appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirement for the promotional examination for Program Analyst (PC0159E), Mercer County Board of Social Services.

ACTION:

B-63 LINDA VURGANOV

Linda Vurganov appeals the determination of the Division of Selection Services, which found that she did not meet the experience requirements for the promotional examination for Senior Clerk Transcriber (PS8887K), Vineland Developmental Center East/West Campus.

ACTION:

B-64 KEALOHA WARREN

Kealoha Warren appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Coordinator of Maintenance Services (PM0018E), City of Newark.

ACTION:

B-65 SANDRA WILLIAMS

Sandra Williams appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Analyst (PM0825D), Newark.

ACTION:

B-66 DAWN WILLIAMSON-MCBEAN, ET AL.

Dawn Williamson-McBean, Lori Bonfrisco, and Cheryl Barker appeal the determinations of the Division of Selection Services, which found that they were below the minimum requirements in experience for the title of Training Technician (PC0450E), Camden County Board of Social Services.

ACTION:

B-67 LINDA ZIMMER

Linda Zimmer appeals the determination of the Division of Selection Services, which found that she did not submit the required transcript for the promotional examination for Accounting Assistant (PS8867K), Senator Hagedorn Center for Geriatrics.

ACTION:

B-68 NANCY BECHTEL

Nancy Bechtel appeals her score on the promotional examination for Senior Clerk Transcriber (PS8205K), Ancora Psychiatric Hospital.

ACTION:

B-69 DAYNA CORMANEY

Dayna Cormaney appeals her score on the promotional examination for Quality Assurance Specialist, Health Services (PS8181K), Ancora Psychiatric Hospital.

ACTION:

B-70 DEBORAH COX

Deborah Cox appeals her score on the promotional examination for Assistant Administrative Supervisor Income Maintenance (PC0769E), Gloucester County.

ACTION:

B-71 ROSALYN GILLIARD

Rosalyn Gillard appeals her score and rank on the promotional examination for Family Service Supervisor (PC1167C), Essex County.

ACTION:

B-72 THOMAS IANDIORIO

Thomas Iandiorio appeals his seniority score for the promotional examination for County Police Sergeant (PC2508C), Essex County.

ACTION:

B-73 MARIBEL JAMES

Maribel James appeals her score on the promotional examination for Technical Assistant Personnel (PM0953C), Newark School District.

ACTION:

B-74 GREGORY MAINES

Gregory Maines appeals his score for the written teamwork portion of the examination for Fire Fighter (M9999D).

ACTION:

B-75 MIRIAM WALKER

Miriam Walker appeals her score on the bilingual skills portion of the examination for Customer Service Representative 4 (Bilingual in Spanish and English) (S6579D), State of New Jersey. Appellant failed to achieve the minimum score required for the bilingual variant of the subject title.

ACTION:

B-76 EDWIN ALICEA, ET AL.

Edwin Alicea, Paul Barrueto, Bazyt Bergus, Kenneth Brock, Brandon Fregans, Robert Haas Jr., Arnold Miller, Heber Pacheco, Vincent Pereira Jr., Anthony Racioppi, Paul Sandroek III, Michael Sobke, Robert Valez, Eric Wojcik and Jason Worthington appeal the administration of the written teamwork portion of the open competitive examination for Fire Fighter (M9999D).

ACTION:

B-77 ARLENE CRYER

Arlene Cryer appeals the administration of the promotional examination for Supervising Health Care Evaluator (PS7734H), Department of Health and Senior Services.

ACTION:

B-78 SANDRA AULETTO

Sandra Auletto requests a make-up of the promotional examination for Technical Assistant 2 Treasury (PS7228U), Department of the Treasury.

ACTION:

B-79 ANNAMARIE BATTALIA, ET AL.

Annamarie Battalia, Linda Bell, Annie Billups, Mary Davison, Linda Gunderman, Anthony Johnson, Miguelina Lebron, Arrthur Lyons, Ruth Nyere, Kara Odom, and Gina Ritchie request make-ups for the promotional examinations for Technical Assistant 2 Treasury (PS7249U) and Technical Assistant 1 Treasury (PS7317U), Department of the Treasury.

ACTION:

B-80 ANTHONY DAVIS

Anthony Davis requests a make-up of the promotional examination for Project Manager Transportation (PS8731T), Department of Transportation.

ACTION:

B-81 JUANA ARANA, ET AL.

Juana Arana, Reynold Beaton, Carmen Suarez Bess, Joyce Brown, Ukuoma Chukunta, Carol Coope, Celeste Corrin, Miriam Crespo, Olga Cruz, Feliz Garcia, Beverly Jenkins, Ester Jordon, Gldys Key, Pam Kish, Hechter Lemus, Carmen Maldonado, Veronical Manuel, Marianne Presnal, Reinaldo Rodriguez, Gloria Rogolino, James Swindell and Renee Singleton-Williams appeal the validity and administration of the promotional examinations for Human Services Specialist 3 (PC0161C) and Human Services Specialist 3 (Bilingual in Spanish and English), Middlesex County Board of Social Services.

ACTION:

B-82 FRANK ESTRELLA, ET AL.

Frank Estrella, Christopher Lyons and Joseph Schisani, Fire Lieutenant (PM2569A), Hoboken; Jospeh Cajzer and John Robak, Fire Lieutenant (PM2570A), Passaic; Michael Cianciotto and Daniel Koropchak, Fire Lieutenant (PM2632A) Clifton; John Hayes, Fire Lieutenant (PM25633A) Irvington; Felix Lopez Sr., Herbert Lopez and Shad Murphy, Fire Lieutenant (PM2641A), Bayonne; John Scangarello and Neal Scheck, Fire Captain (PM3592A) Passaic; Robert Hoogmoed Jr., Fire Captain (PM2618A), Clifton; Anthony Calabro and Mark McDermott, Fire Captain (PM3623A), Kearny; and Sergio Barreto, Joseph Caruso, Stephen Chrissakis, James Furong, David LaCarrubba, Luis Morales, Jose Rodriguez, Alfredo Vargas Jr., Richard Wefer and William Willard, Fire Official 1 (PM2508B), North Hudson Regional Fire and Rescue Service, appeal the administration of the written portion of the examination for Fire Captain, Fire Lieutenant, and Fire Officer 1, various jurisdictions.

ACTION:**B-83 WILLIAM FISCHER SR.**

William Fischer Sr., appeals the administration of the promotional examination for Fire Officer 1 (PM2508B), North Hudson Regional Fire and Rescue Service.

ACTION:**B-84 CHRISTOPHER ARCINIEGAS**

Little Egg Harbor Township requests that the provisions of N.J.A.C. 4A:4-7.1A(c) be relaxed in order to process the Intergovernmental Transfer of Christopher Arciniegas from the title of Campus Police Officer, Stockton State College, to the title of Police Officer, Little Egg Harbor Township.

ACTION:

B-85 KEVIN BATES, ET AL.

Mary E. Hennessy-Shotter, Esq., on behalf of the Town of Harrison, requests that the provisions of N.J.A.C. 4A:4-7.1A(c), be relaxed in order to process the Intergovernmental Transfer of Kevin Bates, John Brown, Michael Gilmore, and Anthony Pacillo from the title Sheriff's Officer, Hudson County to the title of Police Officer, Town of Harrison.

ACTION:

B-86 COUNTY CORRECTION OFFICER, ESSEX COUNTY

The Director, Office of Intergovernmental Services requests administrative relief in order to facilitate the permanent transfer, as an alternative to layoff, of certain employees who will transfer from the title of County Correction Officer, Essex County Department of Public Safety, to the title of Correction Officer Recruit, New Jersey Department of Corrections.

ACTION:

B-87 EDWARD GARCIA

The Township of Rockaway requests that the provisions of N.J.A.C. 4A:4-7.1A(c) be relaxed in order to process the Intergovernmental Transfer of Edward Garcia from the title of Campus Police Officer, William Paterson University, to the title of Police Officer, Rockaway Township.

ACTION:

B-88 DAVID OVALLE

The City of Union City, represented by Mateo Perez, Esq., requests relaxation of the N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of David Ovalle from the title of Sheriff's Officer, Hudson County Sheriff's Office, to the title of Police Officer, City of Union City.

ACTION:

B-89 JOSEPH MAZZA

The Township of Saddle Brook requests relaxation of N.J.A.C. 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Joseph Mazza from the title of Sheriff's Officer, Essex County Sheriff's Office, to the title of Police Officer, Township of Saddle Brook.

ACTION:

B-90 KARLEEN DUCA

Thomas Cross, Personnel Director, Middlesex County, on behalf of Karleen Duca, requests that the provisions of N.J.A.C. 4A:4-2.3(b)(3) be relaxed to accept her late application after the announced closing date for the open competitive examination for Program Development Aide (Community Services) (C6015E), Middlesex County.

ACTION:

B-91 JOHN FLOWERS

John Flowers requests that the provisions of N.J.A.C. 4A:4-2.6(a)(4) be relaxed to accept his late application postmarked after the announced closing date for Assistant Chief Stationary Engineer (PC0003F), Bergen County.

ACTION:

B-92 ROSEMARIE SPARROW

Frederick Galdo, County Administrator, Burlington County, on behalf of Rosemarie Sparrow requests that the provisions of N.J.A.C. 4A:4-2.6(a) (4) be relaxed to accept her late application postmarked after the announced closing date for Training Technician (C0422E), Burlington County.

ACTION:

B-93 SOFTWARE DEVELOPMENT SPECIALIST TITLE SERIES

The Director, Division of Human Resource Management requests that the provisions of N.J.A.C. 4A:4-7.6(c) and N.J.A.C. 4A:4-2.6(a)2 be relaxed, as necessary, to permit admission to examinations for certain incumbents moving into the Software Development Specialist title series without meeting the specified educational requirements.

ACTION:

B-94 DANIEL SOLLITTI

Daniel Sollitti requests that the list for Police Sergeant (PM2528A), Jersey City be revived and extended in order to effectuate his appointment.

ACTION:

B-95 ANTHONY WILKINS

John K. D'Auria, Personnel Director, City of Newark, appeals the determination of the Division of Human Resource Information Services, which denied his request to permanently appoint Anthony Wilkins from the Sign Maker 2 (M6054O) open competitive employment list.

ACTION:

B-96 WILLIAM MCDONNELL

William McDonnell appeals the denial of disabled veterans preference on the examination for Veterans Services Officer 3 (S0089D) and his displacement from his provisional Veterans Services Officer 3 appointment at the Department of Military and Veterans Affairs.

ACTION:

B-97 THOAMS SPOSATO

Thomas Sposato seeks a lump sum payment for asserted out-of-title work performed in an acting capacity between June 2, 2001 and May 2, 2003.

ACTION:

B-98 PROSECUTOR'S AGENTS

Richard A. Dann, President of the Communications Workers of America, Local 1085, presents a challenge to the Gloucester County Prosecutor's Office appointment of additional Prosecutor's Agents beyond the limit set by the Department of Personnel in *In the Matter of County Prosecutor's Agents* (Merit System Board, decided May 23, 1989).

ACTION:**B-99 RECENT COURT DECISIONS**

Submitted for the Board's review are copies of decisions as follows: *In the matter of Carl Stanford (Appellate Division, 5/4/04); In the matter of Anthony Woodson, Police Captain (PM3532C), East Orange, (Appellate Division 5/5/04); In the matter of Dennis Delgado, Police Officer (S9999B), City of Camden (Appellate Division 5/14/04); In the matter of Edward Cruz, Jr., County of Hudson (Appellate Division 5/20/04); In the matter of Gregory McDaniel (Appellate Division 5/24/04); In the matter of Robert Osel v. Mid-State Correctional Facility, Department of Corrections (Appellate Division 5/28/04).* Brief summaries of the cases are provided.

B-100 MERIT SYSTEM BOARD MINUTES

The minutes of the Merit System Board meeting of June 23, 2004 are submitted for adoption.

ACTION: